



IRISH 1798 COLLECTION

OBSERVATIONS

ON A

PAMPHLET,

ENTITLED,

AN APPEAL TO THE PUBLIC.

BY

JOHN SWIFTEMERSON, Esq.

ON THE

SUBJECT

OF THE

DETECTION AND APPREHENSION

OF THE

LATE REBEL GENERAL

RUSSEL.

“AND HE CAST DOWN THE PIECES OF SILVER

“IN THE TEMPLE, AND DEPARTED, AND

“WENT AND HANGED HIMSELF.”

MATTHEW, 27 Chap. 5 Verse.

DUBLIN:

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P R E F A C E.

I SHALL so far follow the plan of Mr. Emerson, the *Apellant*, as to make a few preliminary remarks, but, shall not, like him, attempt to mislead the Public, by base insinuations, and assertions, that cannot be supported. Whether *he* will follow the example of his prototype, Judas, I shall leave to him and to time to determine. Judas betrayed his Master, and his God, for 'Thirty Pieces of Silver; and I shall submit to that Public, to which Mr. Emerson has appealed, to determine the similitude between the perfidy of the Apostle recorded in Holy Writ, and the baseness of the return made to Major Sirr for the most friendly offices. Avarice it was that occasioned the fall of Judas—and avarice it was

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that led to such monstrous ingratitude ; for, it was the hope of a reward, which, I trust, I will prove, from his own Appeal, as unmeritted; as his underhand attempt to obtain it was degrading, that tempted him to such conduct.

WHEN a Man Appeals to the Public, his Subject ought to be of a Public nature : but, I cannot conceive what interest any man can feel in what this *Appellant* calls his “ private or *obscure* concerns.” However, since he courts the opinion of the Public, and has promised to bow to its decision, he shall freely have mine. In order to gain over a certain description of men, to his cause, he has made the most invidious insinuation that ever was conceived by man, and the best calculated to instigate his *newly adopted* friends to commit murder. In the 22d page of his Appeal, he says “ And “ when your Excellency is pleased to recollect how many lives have been forfeited to “ the-Laws, on the testimony of that Officer, “ you will see that the Public are interested in “ having every opportunity afforded to *him* of “ establishing his veracity, on the present occasion.” Good God!—what an insinuation !
and,

and, coming from a man, who, *appeared* to idolize that Gentleman, against whom he now points the dagger of the assassin. But now the mask is dropped;—the selfish motives of his servility are clearly perceivable; and his malice can have no weight with the honourable part of his Fellow Citizens, who will treat his insinuation with that contempt, which I think the whole of his wretched and malignant farrago deserves. By his own rule, he ought to call for a prosecution for perjury against himself, being flatly contradicted by the oaths of Major Sirr and of Mr. Minchin, as appears by their affidavits annexed, such a trial would be a surer and a shorter method of acquitting his *honour*, than eight month's attendance at the Castle, *his honour*, however, was comprised in THE REWARD.—But, I think I shall shew, before I part him, that he is not fond of *meeting danger* in any shape.

HE not only charges Major Sirr and Mr. Minchin, but Mr. Flint, Mr. Marsden, Mr. Wickham, Sir Evan Nepean, and his Excellency with a conspiracy to defraud him of his just and legal right. And, notwithstanding his fulsome bombastic apology to
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the Lord Lieutenant, in the first page of his advertisement, he treats him, in the 22d page of his Appeal with as little ceremony as he has treated all the other members of the Government.

I SHALL now proceed to examine "*his Appeal*," and, have no doubt I shall be able to prove from that *elegant composition*, that the Author, however he may be entitled, as an *Informer*, to a *part* of the rewards, has no claim whatever to *personal bravery*, or *private friendship*.

OBSERVATIONS, &c.

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ON the 24th of January last, this appellant presented a memorial to his Excellency, *verified* by the following remarkable affidavit :

“ The above-named John Swift Emerson, came
“ before me, on the 24th day of January, 1804,
“ and made oath on the holy Evangelists, that *all*
“ the contents of the above memorial are true.
“ That the statements therein made, as to the said
“ Emerson’s own knowledge, are **POSITIVELY**
“ **TRUE** ; and that what is therein stated upon
“ hearsay and belief, he verily believes to be true.

“ J. EMERSON,

“ WILLIAM JAMES.”

This appellant here makes a distinction between swearing to the *truth* and to the *positive truth*: that, in the course of my little experience, I never before heard—however, as he is a professional man, I shall leave it to him to satisfy the public on the subject :

subject : yet, I beg leave to observe, that, as perjured witnesses, upon whose evidence " many lives might be forfeited to the laws," would avail themselves of this distinction between swearing the *whole* truth & the *positive* truth, his discovery ought to be explained to the judges, that they might alter the present form of the oath administered in the courts : which would be as eminent a service as the part our champion took in disarming the Rebel General, Ruffel. He says, he has *verified* his memorial by affidavit—here again,—not being a professional man, I am puzzled ; for, hitherto I thought that an affidavit, if it happened to be *false*, did not *prove* the subject of it to be *true*, and, I always conceived, that the verb " verify," meant to prove, or to confirm.

He states in his memorial, that " he was a " *claimant* for the several rewards offered by Government and others, amounting in the whole to " 1,500*l.* for the apprehension of the late Mr. Ruffel." To that I cheerfully subscribe.—That he was a *claimant*, and a very troublesome one, every gentleman in the Castle can prove ; for the very next morning after Ruffel's arrest, he rudely obtruded himself on Mr. Marsden, and insisted on his taking such notes of the transaction as he thought proper to impose on him ; (5th page of the Appeal.) To which Mr. Marsden replied, " Sir, I make *my own* notes, and I have " already reported the facts to the Lord Lieutenant." This rebuke would have silenced any other man but Mr. Emerson, who replied, " that the report must have been an imperfect one, " as he, Mr. Marsden, had not had any opportunity of hearing the facts from memorialist." Here we have his own evidence, that in *thirteen hours* after the arrest, he, in a most rude, illiberal, and

and unmanly manner, behind the backs of Major Sirr and Mr. Minchin, attempted to lay the ground-work of obtaining, exclusively, the whole rewards.

Had he been unconscious of the just claim of any other person, where was the necessity for his hurry? or why suspect that a report different from his own had been made? To Shakespeare I am indebted for being able to account for such conduct.

“Suspicion always haunts the guilty mind.”

Why did he not consult Major Sirr, or Mr. Minchin, who, by his own acknowledgment, at the hazard of their lives, *really* disarmed Russel in a two pair stairs room, while he being a *professional man*, remained in the shop, *cross-examining Mrs. Muley*? From which station he had not an idea of removing, until called up stairs by Major Sirr, after the arrest, when he *knew* all the danger was over; as pretty clearly appears from the following account, given by himself, in the third page of his appeal:

“That on their arrival at Muley’s house, they
 “found the shop (one part of which was occupied
 “by one Fleming, a shoe-maker, and the other
 “well furnished with numerous fire-arms) closed,
 “except the door, which Memorialist secured; and
 “while Major Sirr and Mr. Minchin *ascended the*
 “*stairs*, took (as a precautionary measure) Fleming
 “into custody. Memorialist then demanded to see
 “the list of the inhabitants of the house, which he
 “found to consist of the families of Muley and
 “Fleming, and contained as lodgers, Mr. and Mrs.
 “Harris. Memorialist interrogated Mrs. Muley:
 “Who is Mr. Harris? She answered, my brother.
 “Memorialist asked if her brother was married?
 “she replied in the negative—then who is Mrs.

“ Harris ? this question seemed much to confound
 “ her at first ; she, however, answered, a woman
 “ may pass under the name of a man, and not be
 “ his wife. Your Memorialist at that moment
 “ heard himself called by Major Sirr, and taking
 “ Fleming as his prisoner with him, went into the
 “ room.”

Now, in my judgment, this account fully admits two facts ; the one, that there was more than sufficient time to disarm Russel before he entered the room, the other, that he had no intention of going up stairs until called by Major Sirr ; which Major Sirr would not have done, if his soul was capable of entertaining the base, avaricious designs that his application to Mr. Marsden, in a few hours after, proved to have engrossed the thoughts of Mr. Emerson ; or, if he was as *cunning* as the other was *cowardly*. I do not think it a reasonable conclusion that, a man of Major Sirr's experience in such business, and, who has twice had fatal proofs of the desperateness of such traitors, and of the necessity of searching them on the moment of their arrest, would sit down to converse with Russel above stairs, as long as Mr. Emerson admits he conversed with Mrs. Muley *below*, without making an attempt to disarm him ; or that Russel would not have made an effort to escape if he had not been surprised, which in fact was the case, for, a most respectable gentleman, (who never assumed to himself the credit of arresting Russel, as one of this appellant's letter writers had done) having heard so many contradictory accounts of the transaction, asked Russel who it was that really arrested him ? to which he replied in the following words, which the gentleman took in writing at the time : “ I was so intent on reading,

" that I did not observe my door to be open, or hear
 " any noise, until Major Sirr was close to me accom-
 " panied by Mr. Minchin, who assisted him to disarm
 " me. The noise created by this circumstance
 " brought several persons into the room." Mr. Emer-
 " son states, " That about eleven o'clock in the
 " morning, on the ninth of September last, he in-
 " formed Mr. Marsden that he had received very
 " confidential information, that there was a
 " stranger concealed in an apartment, on the second
 " floor of Mr. Muley's house, under circumstances
 " of peculiar suspicion ; that he was waited on
 " with mysterious respect and attention at his meals
 " by Mr. Muley himself." And, he adds, " that,
 " about nine o'clock that night, he had an inter-
 " view with his informant, who told him that the
 " stranger *was at that moment in his apartment*, and as
 " his informant was apprehensive of having been
 " observed communicating with him, begged of
 " him, if possible, *not to be seen in the business*"—

Here I beg leave to remark, that the person who
 could have given him such minute information,
 must also have told him that the stranger had arms ;
 and we have had various proofs of the determina-
 tion of such men to use them in their defence.—

Whether it was that consideration, or a wish to com-
 ply with his informant's request, "*not to be seen in
 the business*" that operated on Mr. Emerson's mind,
 he alone can tell. Here, it is worthy of remark,
 that on the next morning, an account of the trans-
 action appeared in the *Dublin Journal*, when Mr.
Minchin observed to the Proprietor, that *it was not
 correct* ; and Major Sirr hurt at the impudence of the
 paragraph, publicly, in the Castle yard, declared that
 on their way to Muley's he asked Mr. Emerson
 would he go with them into the house ? To which
 he replied that *he would stay in the street, for that he did*

not wish to be seen in the business. This declaration I have heard from Major Sirr, on the next morning, and often since ; which, perhaps, may be proved—*not much to Mr. Emerson's satisfaction*, if this extraordinary business meets the investigation it deserves. Whether it be more probable that Major Sirr truly reported his reply, on the next morning, or that Mr. Emerson should happen to stumble upon the *very words* "TO BE SEEN IN THE BUSINESS" I submit to the reader's judgment to determine ; but, that the words are in the third page of his pamphlet is certain.

Another circumstance, I think, deserves observation, as, in my mind, it accounts for the publication of the appeal. Mr. Emerson states, that on the eighteenth of April last, he had an interview with Mr. Flint, who said, " That Major Sirr had asserted, that he, Mr. Emerson, was not present in the room when Mr. Ruffel was disarmed of his pistol and secured. Mr. Emerson having replied that there was no truth in the assertion, left the room astonished at its boldness, and in the course of the day sent the following letter, to which no answer has been since received :

" SIR,

" Having heard with much surprise this day from Mr. Flint, that it has been asserted, that I was not present in the room at Mr. Muley's, when Mr. Ruffel was disarmed by Lieut. Minchin, a fact which I have related in a memorial to his Excellency the Lord Lieutenant, and *verified* by my oath, I hereby declare that such assertion
is

“ is false, and will publish it as such to the
“ world.

“ I am, SIR, &c.

“ J. S. EMERSON.”

“ Quarter past 3 o'clock, 18th April, 1804.

“ To CH. H. SIRR, Esq.”

In order to restore his character for *courage*, he has industriously insinuated, that this letter was meant to provoke SIRR to challenge him.—If that was *really* his object, I would ask him, why he did not state the conversation with Mr. Flint, as fully in his letter, as he has done in his Appeal?—No, no ;—he took care to avoid that. He says in his letter “ *it has been asserted,*” and he declares “ *such assertion is false.*” What had Major SIRR to do with his giving the lie to *general* assertion?—Did he *seriously* wish to give him a meeting, he would have quoted Mr. Flint’s words ; or, if he wished to vindicate his wounded honour, did not SIRR give him sufficient provocation, by contradicting him on his oath, to induce him to become his challenger?—No ! fighting was not his object ; but, by quirks and quibbles, to lay a foundation for the defence of his *cowardice*, in not sending the man a message who charged him with perjury. It has been also reported that he sent a gentleman to SIRR on that occasion. I wish he could produce him—but I fear he has sent him to the other world, after his friend poor *Fleming*.

In page 17, he says :

“ Mr. Emerson, about this time, and in consequence of this groundless and extraordinary assertion, made enquiry after Fleming, the person mentioned in his Memorial, and who, he thought might be as likely as Major SIRR, or Major SIRR’s
“ brother-

“ brother-in-law, to recollect and certify that Mr. Emerson was present, when Mr. Emerson learned “ that Fleming was *dead and buried above a fortnight.*” What a misfortune!!! and how much more unfortunately it happened, that Mr. Emerson had not, by any accident heard, *before the death of his friend Fleming*, (with whom he seems to have been so well acquainted) that it had been positively and publicly denied by Major Sirr and Mr. Minchin, in every company, and also by the unhappy prisoner himself, that Mr. Emerson was present at the arrest of Russel; and doubly unfortunate that Mr. Fleming had not outlived the discovery, by which melancholy event, Mr. Emerson has lost both his friend and his money! Mr. Emerson must, however, excuse me for an opinion, that in spite of all his round-about argument, obtrudes itself on my mind, it is simply this, *that, he never would have dared to appeal to the public, had Fleming remained in the land of the living*; for it is not credible but he must have met some friend before the death of Fleming, who had conversed with the Major, or Mr. Minchin, these eight months past; or had he been so lucky the morning after the arrest, when he read his *own account* of the transaction, in the Dublin Journal, to have cast his eyes a little upwards, he must have seen the following paragraph, which immediately preceded his own, and which, I think, in pretty round terms, left him totally out of the Baby-house; at all events, it bespoke *his having been too late up stairs!*

ARREST OF RUSSEL.

“ AT ten o’clock last night, the person who has “ assumed in the North the title of General Russel, “ was apprehended in a house in Parliament-street. “ Upon information communicated to Major Sirr, “ he

“ he went to where this person was concealed ; in
 “ a few minutes Ruffel was discovered in an upper
 “ room, and in his defence he drew a pistol from
 “ his breast, which, however, he did not, or could
 “ not fire. The Major with great intrepidity se-
 “ cured his prisoner, and he was safely lodged in the
 “ Castle.”

FURTHER PARTICULARS,

Then followed the account given by Mr. Emerson, and as I am informed, in his own hand-writing ; for which I beg leave to refer to the nineteenth page of the Appeal. In the twelfth page of which is the following statement : “ That Major Sirr, attended as a witness on the part of the Crown, on the trial of Mr. Ruffel. And your memorialist who made it his business to ascertain the fact, has been credibly informed by several persons, and believes the information so received to be true ; that Major Sirr, on that occasion, in detailing on oath, the circumstances which attended Mr. Ruffel’s apprehension, entirely omitted to state *the part your Memorialist had in such transaction*, and never even mentioned the name of your Memorialist, in the course of his testimony, and that he afterwards applied for himself exclusively, for the entire of the rewards offered for the apprehension of Mr. Ruffel.

“ That your Memorialist having *solemnly verified* this humble Memorial by his Oath, entreats, that if on an investigation of its contents, any part of it shall be attempted to be controverted, that your Excellency will give your Memorialist an opportunity of confronting such person or persons, who may attempt same, and of substantiating his statement, by such evidence and other means, as may lie in the power of your Memorialist.”

“ rialist.”* What man was ever so ill treated!—That Major Sirr, on that occasion, in detailing on oath, the circumstances which attended Mr. Ruffel’s apprehension, should entirely omit to state *the part Mr. Emerson had in such transaction!!!*

Ah! cruel, cruel Major!—Is it thus you treat an old friend, at the moment he thought to have made a fortune!—Yet, *apropos*, had the Major attempted to mention *the part Mr. Emerson had in the transaction*, the Court would perhaps have been wicked enough to stop him—the conversation with Mrs. Muley, *below stairs*, being totally irrevalant, so that our hero is every where unfortunate!—Had *she*, indeed, been on her trial, then he would come off horseman-like—and, I make no doubt, would get great applause for the *sagacity* of his CROSS-Examination of her, and, in truth, cross enough it was, *that he did not dream of going up stairs a little sooner*.—I cannot help again lamenting, that he was equally unfortunate in not having read the *whole* of the statement in the Dublin Journal, on the 10th September last, and which by his own account was “*Copied into the principal newspapers in the United Kingdom*; or he surely could not have been *surprised* that the ill natured, covetous Major should, a second time, have forgotten the bare mention of his name, as one of the persons who bravely exposed their lives in arresting the traitor Ruffel. Mr. Joy, who was Ruffel’s leading Counsel, in his letter, (page 23,) says “ It is impossible for me to say, whether Mr. Ruffel

* While Fleming lived, (the only evidence that ever existed, who could prove the fact,) Mr. Emerson was silent; but the moment he died, (which was *six months after the transaction*) HE PRETENDED, FOR THE FIRST TIME TO HEAR THAT IT EVER HAD BEEN DOUBTED THAT HE WAS PRESENT AT THE ARREST.

“ Ruffel assented to the correctness of Major Sirr’s
 “ testimony on the Trial, as I had no conversation
 “ with Ruffel, either during or after the Trial.”—
 Those who know Ruffel’s character, are convinced
 that he would not suffer a sentence of untruth
 against him, without reporting it to his Counsel, or
 opposing it himself. But, it proves, that nothing
 was left untried to prop Mr. Emerson’s claims of
 £1500 for the *Cross-Examination of Mrs. Muley!!!**

It may, perhaps, be a want of sagacity in me,
 but I confess, I cannot conceive for what purpose he
 swelled his “ Appeal” with so many letters, for,
 in my humble judgment, they do not contain a
 single syllable of direct evidence of any thing.
 But, as to the point at issue, viz. whether Mr.
 Emerson *was present at the arrest of Ruffel*, they do
 not, (because it is impossible they could) give any
 account. For *poor Fleming*, the only man who knew
 any thing of the matter, unfortunately DIED A FEW
 DAYS BEFORE MR. EMERSON HEARD THAT SIRR HAD
 DENIED HIS HAVING BEEN PRESENT AT THE ARREST.
 So that now he is completely “ *entangled*,”—
 FOR THERE ARE TWO OATHS TO ONE
 AGAINST HIM ;—and I am told, that two *credible*
 witnesses contradicting an individual upon his oath,
 are sufficient to CONVICT HIM OF PERJURY. Had
 Mr. Emerson paid due attention to the salutary ad-
 vice of his friend, the Baron, he would not be
 now so much “ *entangled*,” as I suspect he finds
 himself, and out of which not all his wiles
 C can

* If Ruffel assented to the truth of Major Sirr’s testi-
 mony on his trial, (and, that he did assent to it, his silence
 proves), I think it conclusive evidence, that Mr. Emerson,
 in his opinion, was *not* present at his arrest.

can disengage him. In his first letters the Baron begins with "MY DEAR EMERSON," but towards the close he seems to be as weary of the correspondence, as his Excellency, or Sir Evan Nepean; and, like Sir Evan, forbids the bare mention of the subject.—His last letter begins "DEAR SIR." In it (page 26) he says, "I entreat that you never mention this matter in which you have got ENTANGLED to me again." Mr. Emerson gives this as a reason for publishing the Baron's letters without his permission; how far he was correct in so doing I submit to the reader's ideas of honor. He, however, acted consistently with *himself*! He says in a note to the Baron's last letter, 'He' meaning the Baron, 'will see from the foregoing pages, that it *has* been doubted whether Mr. Emerson was present, and that it has been asserted that he was not.' Let me assure Mr. Emerson that *it never was doubted* by Major Sirr or Mr. Minchin, nor by any one of their numerous acquaintance, who well know their worth and their strictly honourable conduct, and who are convinced that no such temptation as (*to them*) the paltry sum in dispute, could induce either of them to *assert* an untruth, much less to *swear* to one, SPECIALLY, OR, IN THE GROSS.

So much for Mr. Emerson's claim for FIFTEEN HUNDRED POUNDS, *for the cross-examination of Mrs. Muley*!—It is more money than I believe, Mr. Curran ever got for examining a dozen witnesses. Let me now consider his real title to reward, to which I shall subjoin the opinion of one of the ablest lawyers at the Irish bar. Suppose, for a moment, that he had not *unluckily dallied too long below stairs, with Mrs. Muley*, but, like a truly brave man, *deserving to wear the Attorney's uniform*, had led the van, which, certainly, he ought to have done, as he considered the other Gentlemen acting "*under his direction and in-*

tence,

formation," could he as a man of honour have expected more than a third of the reward?—But not having done so, he is only entitled to one-third of £500—as the INFORMER!—And, I am warranted by his own language to assert, that *loyalty had no share in his motives for INFORMING against Russel*;—but, that he was wholly influenced by the hope of some reward, and at the time he gave the information, he did not know that he would be entitled to £20, but, any game rather than stand out, if he could play in a whole skin. In support of this opinion he will excuse me quoting the following abstract from his "Appeal," (page 20), and that too in a letter to his Excellency; which proves that he is not afraid of great men, *as there is no danger of their being armed.*—"While I return my best thanks for
 " the gracious manner in which your Excellency
 " was pleased to receive me, I must say, that were I
 " not conscious that my Information had, through
 " Providence, probably prevented the effusion of
 " much loyal blood in this city, *I should sincerely re-*
 " *gret that I had ever communicated the circumstances which*
 " *led to the capture of Mr. Russel.*" Thus, his loyalty "oozes out at the tips of his fingers!" But, it is not his loyalty alone that, in the foregoing sentence, has escaped his pen, but a *secret* that he thought impenetrable—and buried with his friend Fleming,—Mark his words:—"I should sincerely regret that I had ever communicated the circumstances
 " which LED to the capture of Mr. Russel."—What! did he not capture him himself, as sworn to in his Memorial?—No—the truth, that rankled in his heart, while he wrote, escaped through his pen, and forsook the uncongenial mansion. Here, in direct and positive terms, he *unintentionally*, admits the fact, that he only communicated the circumstances which LED to the capture!!!

He begins his letters to the Lord Lieutenant with " May it please your excellency." I think it appears pretty manifest that his Excellency was no better pleased with him than any of the others he wished to cajole into a belief of his assertions ; and I should have a very poor opinion of his Excellency's penetration if he was, *after reading the foregoing sentence.*—Mr. Emerson forgot the old, vulgar adage, *as to the necessity of a good memory.*

He says in page 5, " The circumstances of the apprehension of Mr. Russel, as here detailed, " were related on the same night, by Mr. Emerson, " to the Bishop of Derry, brother to Mr. Knox." I beg leave to ask were Major Sirr, or Mr. Minchin present.

I would ask Mr. Emerson, what wonderful mystery he makes of his second-hand *private* INFORMER—why does he not produce him?—It is more than probable he was in the house that night, & could throw some light on this subject, and help to support his tottering cause.—If such a man ever had existence, he will be a great fool if he does not now come forward, and claim his *just* right. Mr. Emerson can well afford to pay him, out of the £500 he touched at the Treasury. But I am afraid the poor Devil would have but a bad chance of success, *if he had no witness to prove his case* ; and if he has, he had better come forward before he dies, *like poor Fleming*, or ill natured people may be apt to suspect he had no evidence to give.

Had Mr. Emerson acted in a Gentleman-like manner after the arrest of Russel, he would have had the whole £1500, with the thanks and approbation of Government, and of his Country ; and, he would have

have retained the friendship of Mr. Minchin and Major Sirr ; for, it is a fact, that cannot be contradicted, but, on the contrary, that can easily be proved, that *Major Sirr, never before accepted a reward for any person he has apprehended*, although he has arrested many for whom large rewards were offered ; and as for Mr. Minchin, he would never have thought of it, but in opposition to Mr. Emerson, on account of the unhandsome, underhand manner he made his claim.

I shall now take leave of Mr. Emerson, for ever, and hope he is convinced I have been candid ; and I conceive, that if the remainder of "The PUBLIC," to whom he has appealed, will give their opinions as honestly as I have done, that he will, agreeably to his promise, "*bow to their decision* ;" as otherwise, he would break his engagement, for which I could never suspect any gentleman.

V E R A X.

Qui capit ille facit.

IT is very weak of men to suffer their zeal for a friend who happens to be at variance with another, to induce them to espouse his quarrel, so warmly, as to drive them unguardedly into acts unbecoming the character of a gentleman, particularly military men, as they are subject to lose their commissions, by the sentence of a court-martial, for such conduct. And, really, I don't think it was very becoming in an Adjutant of a certain yeomanry corps to become a hawker of pamphlets, and sell them, or rather *force* gentlemen to purchase them in the open streets.

OPINION

ON A CASE

TRULY *stated* to a *Lawyer of Eminence.*

I AM of opinion, that Major Sirr and Mr. Minchin, are jointly entitled to the rewards offered by the sovereign of Belfast, (1000*l.*) and, *that they only are entitled thereto.* And that they and Mr. Emerson are jointly entitled to the reward offered by General Campbell, (500*l.*) To the latter reward, I am inclined to think, that under a due construction of the words, Major Sirr and Mr. Minchin are jointly entitled to 500*l.* and Mr. Emerson also to 500*l.* for, I think the Advertisement promises the reward to any one who shall either apprehend RUSSEL, or give information. I am of opinion, that Mr. Minchin and Major Sirr, or either, can maintain an action against General Campbell, upon proving the Advertisement was published by him, and the other facts in this case.

22d December, 1803.

I am warranted in saying, that Mr. Minchin got the above Opinion, in consequence of hearing that Mr. Emerson was seeking to obtain the whole by *private insinuations.*

APPENDIX.

*County of the city of
Dublin to wit.*

} HENRY CHARLES SIRR,
and Humphry Minchin, esqrs.
two of his Majesty's Justices
of the peace for the county of Dublin, came this
day before me, and made oath, on the Holy Evan-
gelists, and say, that on the night of the 9th of Sep-
tember last, these deponents apprehended Thomas
Ruffel, since executed for high treason, in the house
of Daniel Muley, gun-smith, in Parliament-street ;
and that they from thence conducted said Ruffel, a
prisoner, to the Castle of Dublin, aided by a party
of the Exchange guard.

Deponents further say, that when they so appre-
hended said Ruffel, he was armed with a case of pis-
tols, of which deponents disarmed him. And de-
ponents say, that at the time they so apprehended
and disarmed the said Thomas Ruffel, and for some
minutes after, there was not any person whatsoever
in the apartment in which they had so apprehended
and disarmed the said Thomas Ruffel, save and ex-
cept said Ruffel and deponents. But, they say, that
in some short time after, they had so apprehended
and disarmed the said Thomas Ruffel, John Swift
Emerson, of Camden-street, attorney, entered her
room.

Sworn before me, 22d May, 1804.

HENRY HUTTON,

Henry C. Sirr,
H. Minchin.

Lord Mayor.

